

## DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. 11442(09)

Issuing Office Galveston District

Expiration Date 31 December 2006

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct piers, boat houses, storage buildings, and dry hydrants, and to perform maintenance dredging under the sponsorship of the Trinity River Authority of Texas (TRA).

Project Location: On Lake Livingston, an impoundment of the Trinity River, in Polk, San Jacinto, Walker, and Trinity Counties, Texas.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends within 2 years of Corps of Engineers approval. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit. Any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit. Violations of this permit may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in Conditions I or j hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.
- b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306, and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.
- c. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize adverse impact of the work on fish, wildlife and natural environmental values.
- d. That the permittee agrees to prosecute the work authorized herein in a manner as to minimize any degradation of water quality.
- e. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- f. That the permittee shall maintain the structure of work authorized herein in good condition and in accordance with the plans and drawings attached hereto.
- g. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
- h. That this permit does not authorize the interference with any existing or proposed Federal projects and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- i. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activities authorized herein would be in the general public interest. Such suspension shall be effective upon publication of a public notice and distribution of same to those outlets receiving the initial public notice. The notice shall indicate (1) the extent of the suspension, (2) the reasons for the actions and (3) any corrective or preventive measures to be taken by the permittee which are deemed necessary by the District Engineer to ablate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified, or revoked.

- j. That this permit may be either modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after publication of written notice of such action which shall specify the facts or conduct warranting same unless (1) within 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms of the conditions of the permit did not, if fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of the permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend, or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.
- k. That any modification, or revocation of this permit shall not be the basis for any claim for damages against the United States.
- l. That the permittee shall notify the District Engineer at which time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify.
- m. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- n. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- o. That this permit does not authorized or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.
- p. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party, he must restore the area to a condition satisfactory to the District Engineer.
- q. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.
- r. All activities conducted under this General Permit shall have prior approval of the TRA.
- s. As of the effective date of this General Permit, all existing structures and activities in the permit area which have been authorized by the TRA and which, in the judgement of the TRA, are in satisfactory condition, will be considered permitted by the Department of the Army. Additionally, any activity underway as of the effective date of the permit, which has been authorized by the TRA, will be considered permitted under the terms of this General Permit.
- t. Each activity authorized under the terms of this General Permit shall be reported to: District Engineer, U.S. Army Corps of Engineers, Galveston District, P.O. Box 1229, Galveston, Texas 77553-1229. The manner of reporting shall be on forms provided by the Corps of Engineers that shall be returned to the District Engineer on a monthly basis, through the appropriate TRA office.
- u. The TRA shall inform the District Engineer of any violations of the terms of TRA and/or Corps of Engineers authorization and any action taken by the TRA to correct such violations. Any actions taken by the TRA regarding unauthorized works will not preclude similar actions by the United States.
- v. This General Permit will not apply to sites within the permit area that are identified by the District Engineer as being habitat for rare or endangered species, fish spawning areas, waterfowl or shore bird nesting, feeding and resting areas or other environmentally sensitive areas.
- w. New dredging is not authorized by this permit other than the jetting required for the placement of bulkheads or pilings. All maintenance dredging projects must be reported to the Galveston District Regulatory Branch and receive formal acknowledgement of compliance with the General Permit requirements prior to commencement of the work. Any maintenance dredging in sensitive areas will require an individual permit. Propwashing is considered a form of dredging, but will not be authorized by this General Permit.
- x. If archeological or historical resources are encountered during prosecution of work, ground-disturbing activities shall cease at the discovery site and permittee shall immediately notify the Corps of Engineers.
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- y. Any boathouse constructed under this permit shall not exceed 1,500 square feet in gross plan view area for private structures with a walkway no more than 5 feet wide.

z. Over-water storage structures may be constructed under the authorization of this General Permit provided that their use is clearly for storage, they are non-inhabitable, they are directly on or connected to a pier and do not exceed 150 square feet in gross plan view area.

aa. Applications received by the TRA for placement of dredging for boat slips, placement of dry hydrants, and the disposal of dredged material shall be coordinated directly with the Corps of Engineers. The TRA shall contact a Regulatory Branch Staff Archeologist who shall determine if the location of the proposed activity is in an archeologically sensitive area, a cultural resource survey will be conducted by the Corps of Engineers and coordinated with the Texas State Historical Preservation Officer (SHPO). The TRA may issue authorization upon notification from the Corps of Engineers that National Register or eligible properties will not be affected by the proposed work.

bb. Placement of utility lines, specifically dry hydrants, are required to comply with the terms and conditions of Nationwide Permit 12 which authorizes utility line bedding and backfill in waters of the United States.

cc. The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

dd. No boathouses shall be constructed in shallow water habitat less than 2 feet deep unless determined by the TRA to be unavoidable. The walkway to the boathouse shall be no more than 5 feet wide as stated in Special Condition y. No structures affecting special aquatic habitats, including wetlands, are authorized under this General Permit.

These additional Special Conditions will be applicable when appropriate:

**STRUCTURES FOR SMALL BOATS:** That the permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any damage.

**ERECTION OF STRUCTURES IN OR OVER NAVIGABLE WATER:** That the permittee, upon receipt of a notice of revocation of this permit, shall, without expense to the United States and in such a time and manner as the Secretary of the Army or his designee may direct, restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

This extension of time of Permit 11442(08) shall become effective on the date of the District Engineers' signature.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☐ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

(DATE)

**BRUCE H. BENNETT, LEADER**  
**NORTH EVALUATION UNIT**  
**FOR COLONEL NICHOLAS J. BUECHLER**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

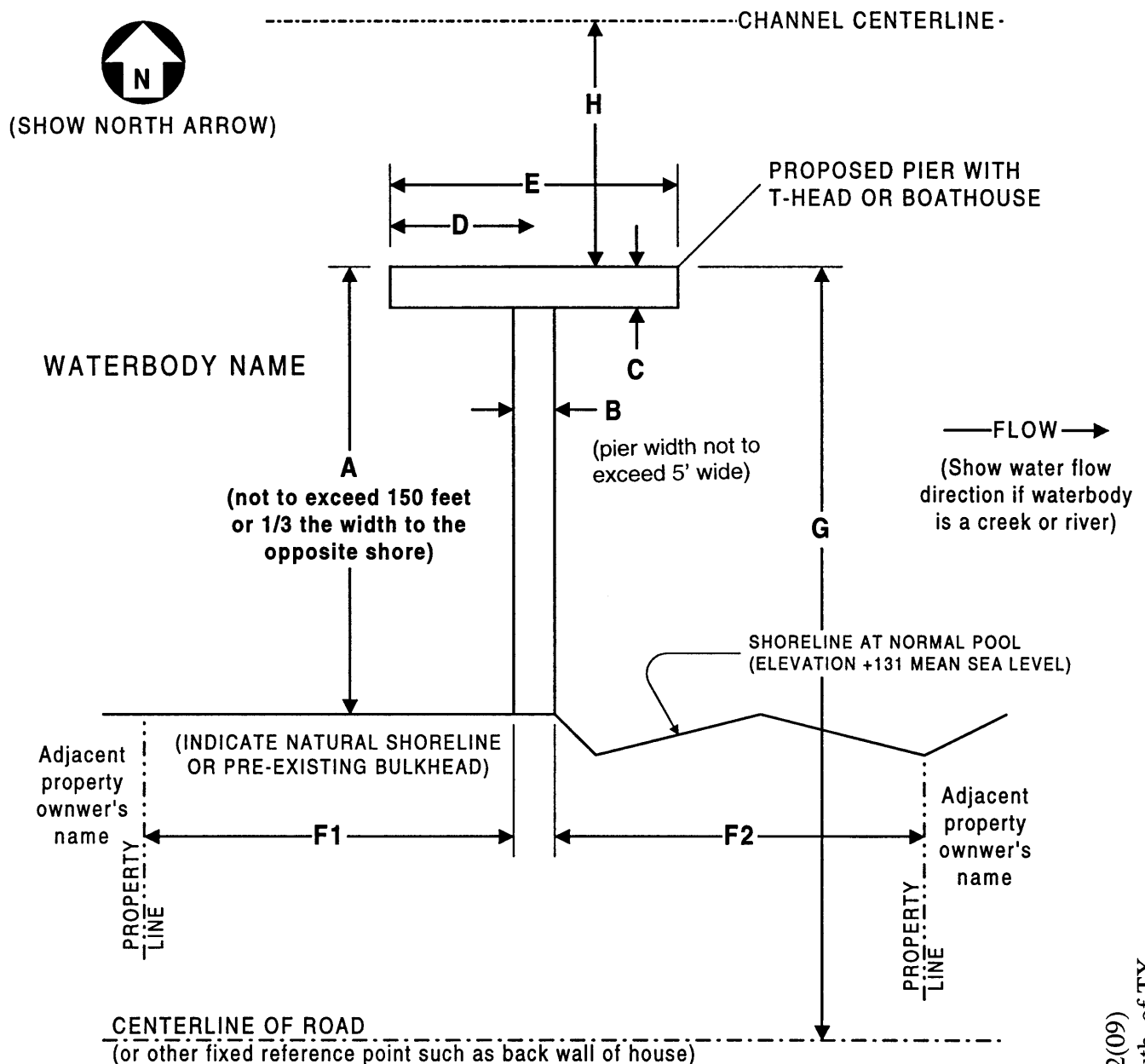
(TRANSFeree)

(DATE)



# GENERAL PERMIT APPLICATION, LAKE LIVINGSTON, TEXAS

## TYPICAL PLAN VIEW OF PIER AND T-HEAD



### CRITICAL INFORMATION

- A. Length of pier and T-head or boathouse from shoreline at mean high tide.
- B. Width of pier.
- C. Width of T-head (or dimensions of other structure).
- D. Distance from pier centerline to edge of T-head or boathouse (or other structure).
- E. Length of T-head or boathouse (or other structure).
- F1 and F2. Distance from centerline of pier to property lines.
- G. Distance from end of structure to centerline of road or other fixed reference point.
- H. Distance from end of structure to centerline of channel.



The diagram illustrates a proposed boathouse and pier structure. Key components and dimensions are labeled as follows:

- PROPOSED BOATHOUSE:** The upper structure of the pier.
- PROPOSED PIER:** The lower structure supporting the boathouse.
- INDICATE BULKHEAD OR NATURAL SHORE:** A label pointing to the shoreline profile on the left.
- Centerline of Road (or other fixed reference point):** A vertical dashed line on the far left.
- Dimensions:**
  - A:** Horizontal distance from the centerline to the start of the pier structure.
  - B:** Vertical distance from the normal pool elevation to the top of the pier structure.
  - C:** Vertical distance from the normal pool elevation to the bottom of the pier structure.
  - D:** Total vertical height of the boathouse structure.
  - E:** Horizontal distance from the centerline to the end of the boathouse structure.
- NORMAL POOL ELEVATION (+131 FEET MEAN SEA LEVEL):** A horizontal line indicating the water level.
- PRESENCE OR ABSENCE OF VEGETATION ON BOTTOM:** A label at the bottom of the diagram.

**A.** Length of pier or boathouse as projected onto the water (including overhang) at mean high tide or high water.

**B.** Height of bottom of deck above mean high tide or high water.

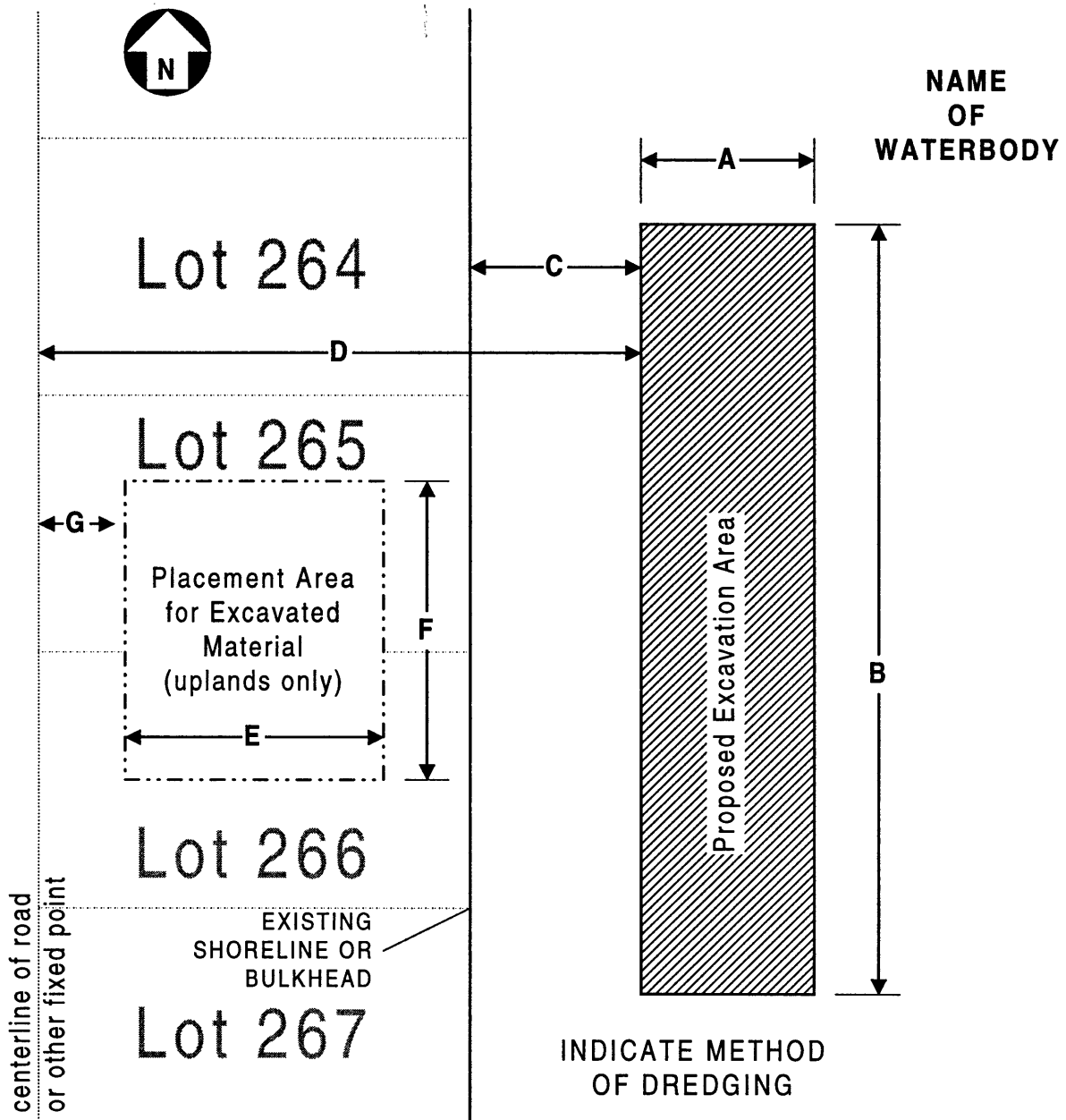
**C.** Depth of water at end of pier or boathouse at normal pool elevation (+131 ft. mean sea level).

**D.** Height of highest point of structure above normal pool elevation.

**E.** Distance from end of boathouse or pier from fixed reference point (such as road centerline).

# General Permit Application, Lake Livingston, Texas

## Typical Plan View for Maintenance Dredging Area

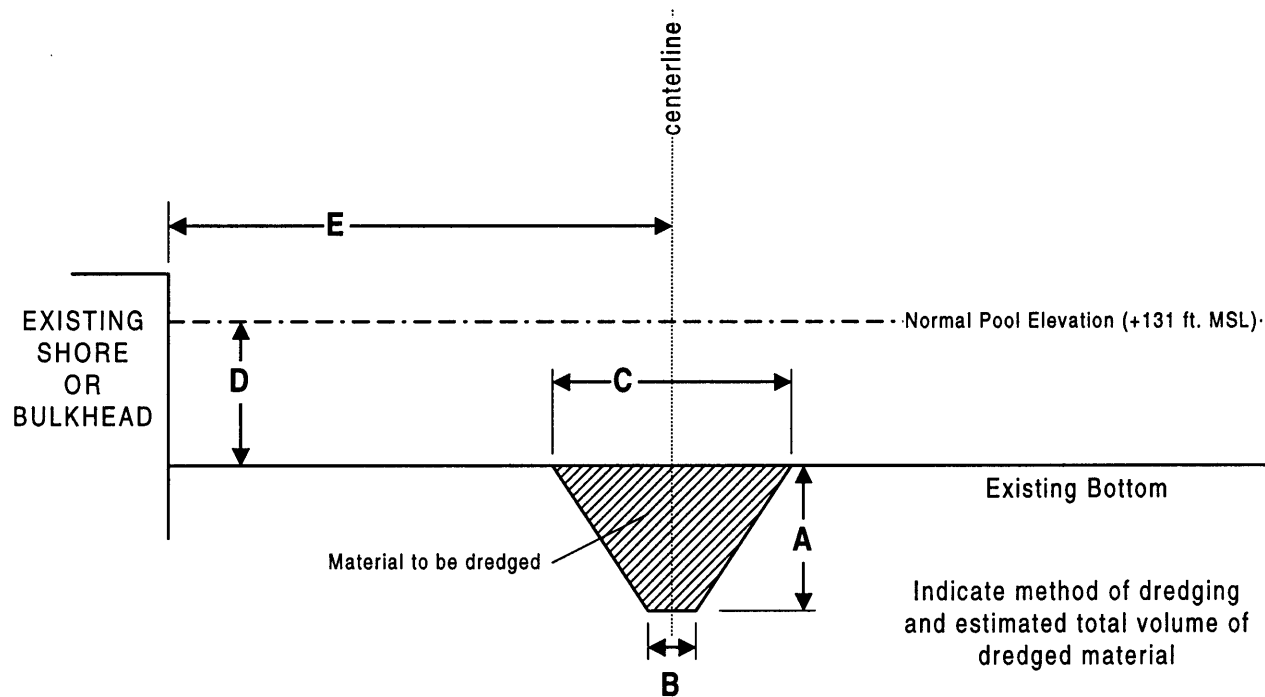


### **CRITICAL INFORMATION**

- A. & B. Dimensions of dredging area.
- C. Distance of dredging area from existing shoreline or bulkhead.
- D. Distance of dredging area from fixed reference point.
- E. & F. Dimensions of dredged material placement area.
- G. Distance of dredged material placement area from fixed reference point.

**PLEASE INCLUDE NORTH ARROW**

General Permit Application, Lake Livingston, Texas  
Typical Plan View for Maintenance Dredging Area

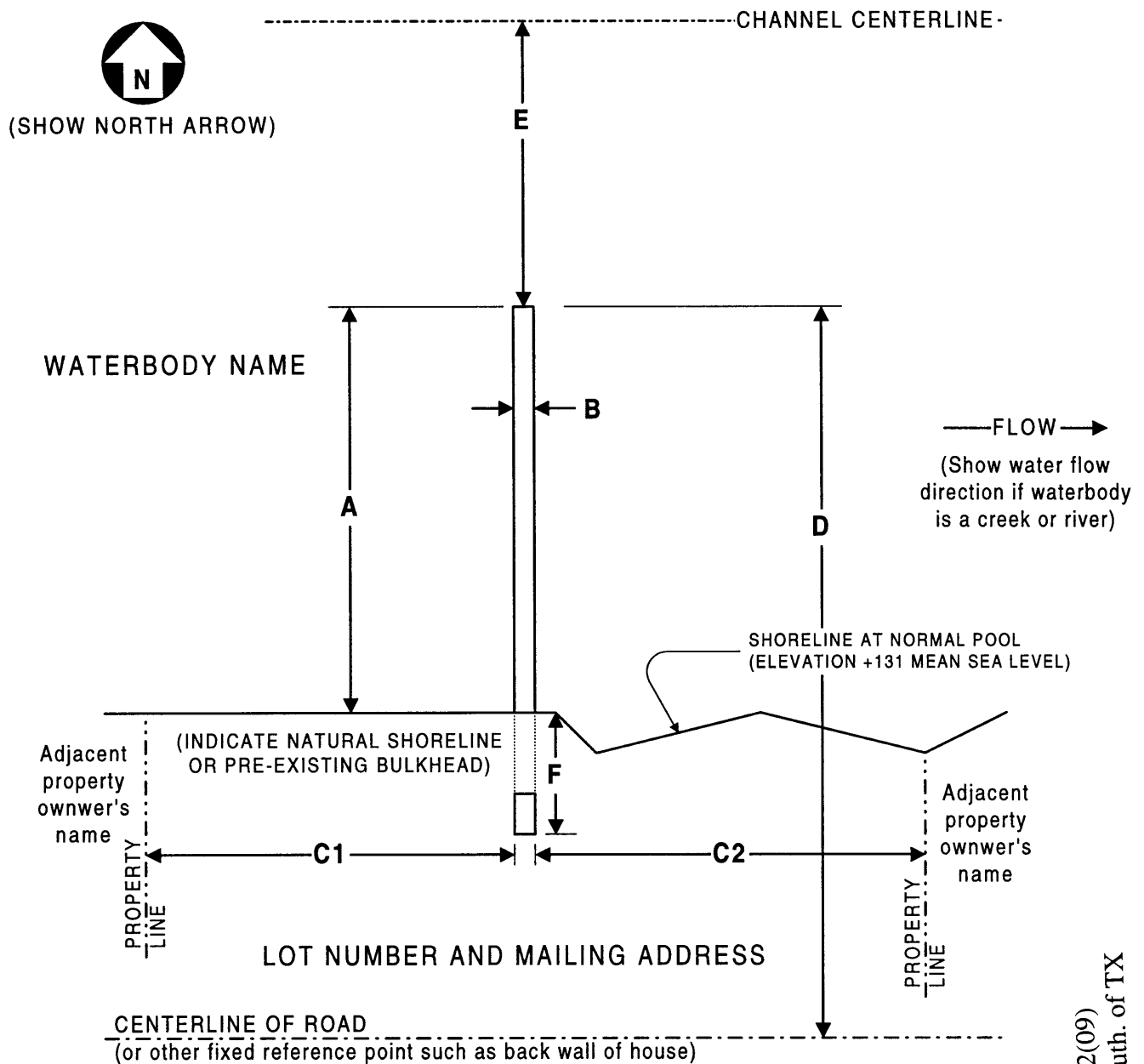


**CRITICAL INFORMATION**

- A. Depth of proposed excavated channel
- B. Width of proposed channel at bottom of channel
- C. Width of proposed channel at top of channel.
- D. Water depth (existing bottom) at normal pool elevation (+131 feet mean sea level).
- E. Distance from centerline of proposed channel or dredged area to existing shore or bulkhead.

# GENERAL PERMIT APPLICATION, LAKE LIVINGSTON, TEXAS

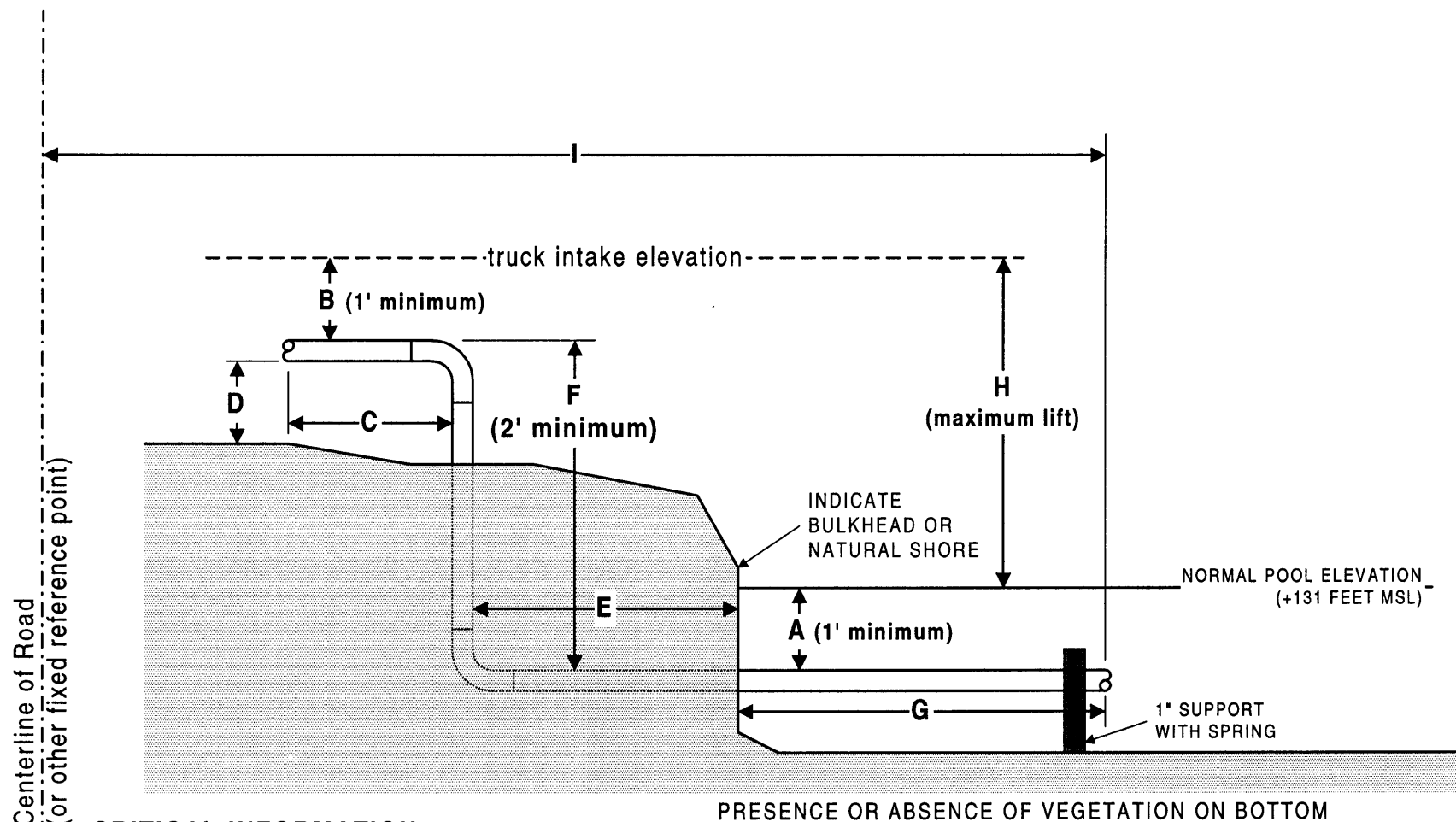
## TYPICAL PLAN VIEW OF DRY HYDRANT



### CRITICAL INFORMATION

- A. Length of hydrant from shoreline at normal pool elevation.
- B. Diameter of pipe.
- C1 and C2. Distance from hydrant to property lines.
- D. Distance from end of hydrant to centerline of road or other fixed reference point.
- E. Distance from end of hydrant to centerline of channel.
- F. Distance from shoreline to landward end of hydrant.

# **GENERAL PERMIT APPLICATION, LAKE LIVINGSTON, TEXAS** **TYPICAL CROSS SECTION OF PROPOSED** **DRY HYDRANT AND CRITICAL INFORMATION**



## **CRITICAL INFORMATION**

- A.** Depth of top of pipe beneath normal pool elevation (1 foot minimum).
- B.** Distance from top of pipe to truck intake (1 foot minimum).
- C., D., & E.** Various pipe dimensions.
- F.** Total rise in pipe (lowest to highest point).
- G.** Distance from shoreline at normal pool elevation to end of hydrant pipe.
- H.** Maximum lift to truck intake.
- I.** Total length from end of pipe to centerline of road or other fixed point.